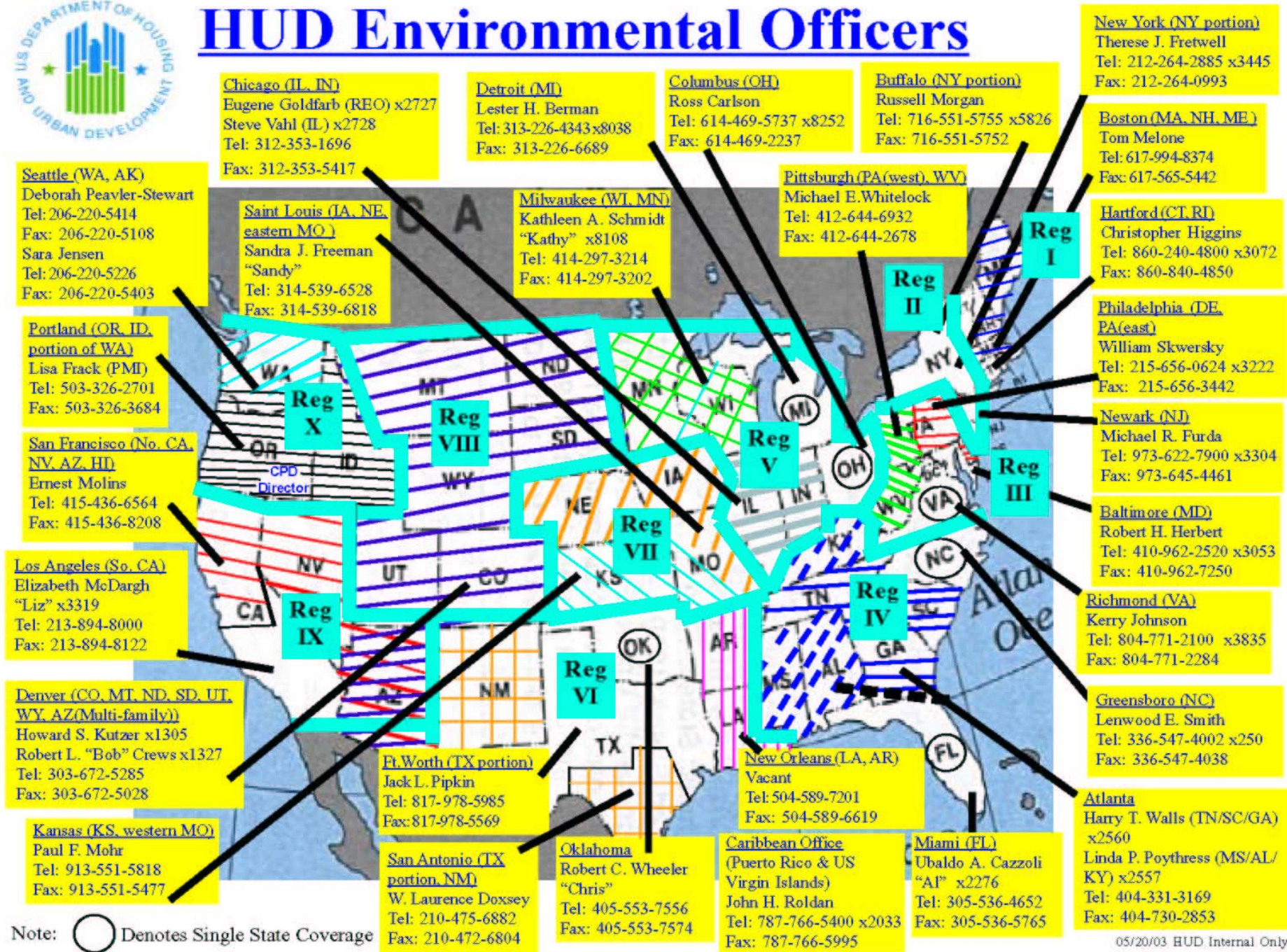


HUD's Environmental Review Process





HUD Environmental Officers



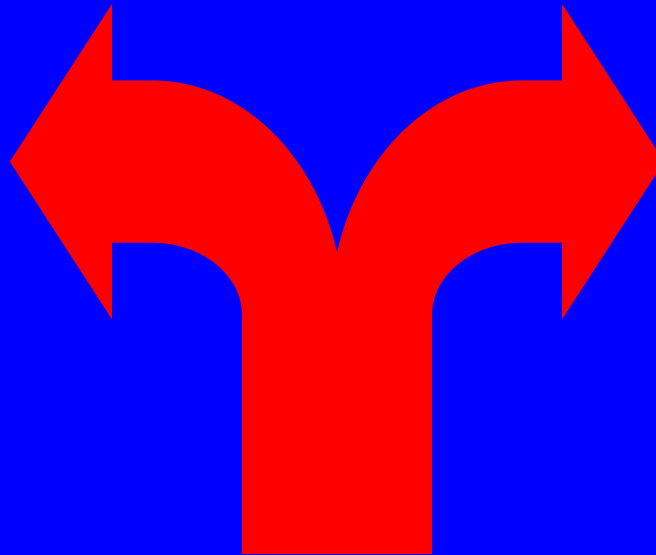
The image features a blue background with two yellow classical columns on the left and right sides. A yellow horizontal bar is positioned at the top, connecting the columns. In the bottom right corner, there is a faint blue globe. The text is centered in the middle of the image.

Call Your
FEO
if you have
questions

Which Regulation is applicable?



Part 50?



Part 58?

When is Part 58 Applicable?

**Local Governments MUST
assume responsibility
for grants made directly to the
local government
when legislation permits**



When is Part 58 Applicable?

Local Governments

are encouraged

**to be responsible for ERs when
grants are made to other entities**



When is Part 58 Authorized?

CPD Programs:

CDBG,

HOME,

ESG,

HOPWA,

EDI

BEDI,

SHOP

Section 108 Loan

SHP

Lead Based Paint

Section 8 MOD Rehab



When is Part 58 Authorized?

PIH Programs:

Hope VI

Capital Fund

Section 8 Project Based



When is Part 58 authorized?

Housing Programs:

FHA Multifamily HFA Risk Sharing

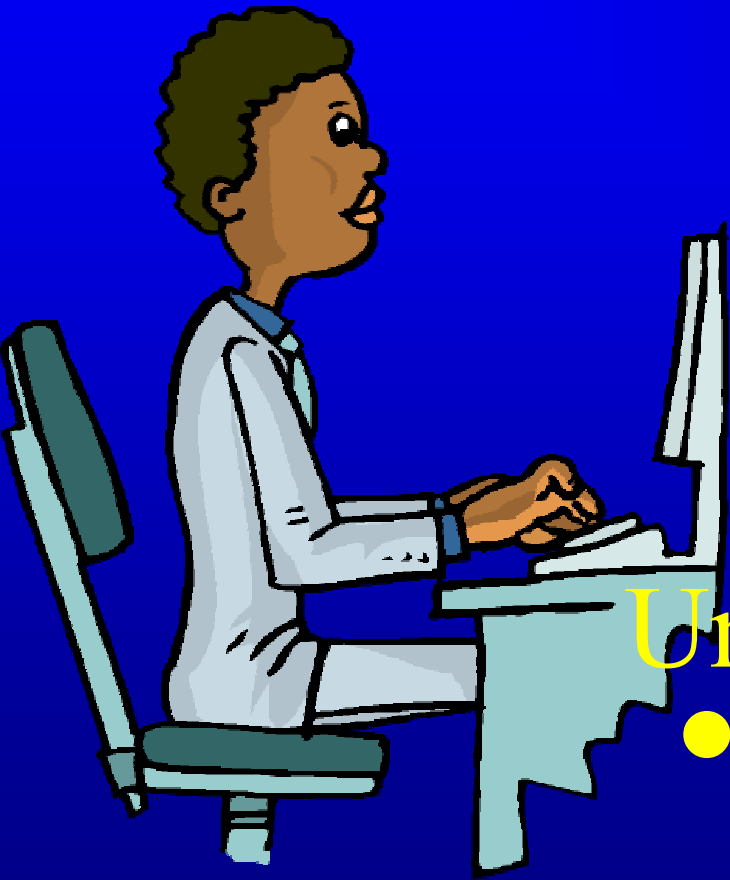


HUD Responsibilities Under Part 58

- Approve HUD 7015.15 RROF and Certification
- Complete 7015.16: Removal of Grant Condition
- Maintain LOG



HUD Program Staff Has Role Under Part 50 & 58



Under Part 58:

- RROF processing
- Oversight of local government

Under Part 50:

- Conduct environmental review



Level of Review

- **Full Assessment**
 - **Categorically Excluded**
 - **Categorically Excluded NOT Subject to 58.5**
 - **Exempt**



Exempt Activities

24 CFR Part 58.34(a)

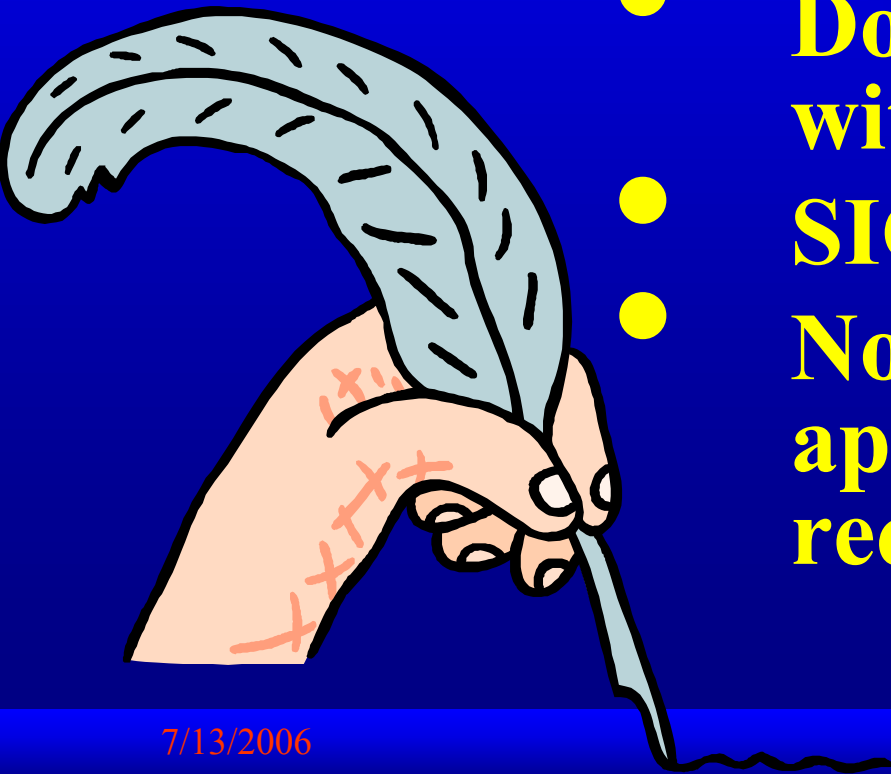
- **Environmental, planning & design costs**
- **Information & financial services**
- **Administrative/management activities**
- **Public services (no physical impact)**
- **Inspections**
- **Purchase of tools/insurance**
- **Technical assistance & training**
- **Temporary assist. for imminent threats**
- **Payment of principal and interest**



Exempt “Level of Review”

24 CFR Part 58.34

- Document determination in writing
- Document compliance with 58.6
- SIGN and DATE
- No RROF or further approval from HUD required



Categorically Excluded Activities **not subject to 58.5**

- **Tenant-based Rental assistance**
- **Supportive Services**
- **Operating costs (utilities, supplies)**
- **ED costs (non-construction)**
- **Pre-development costs**
- **Supplemental Assistance (NEW to Regs)**

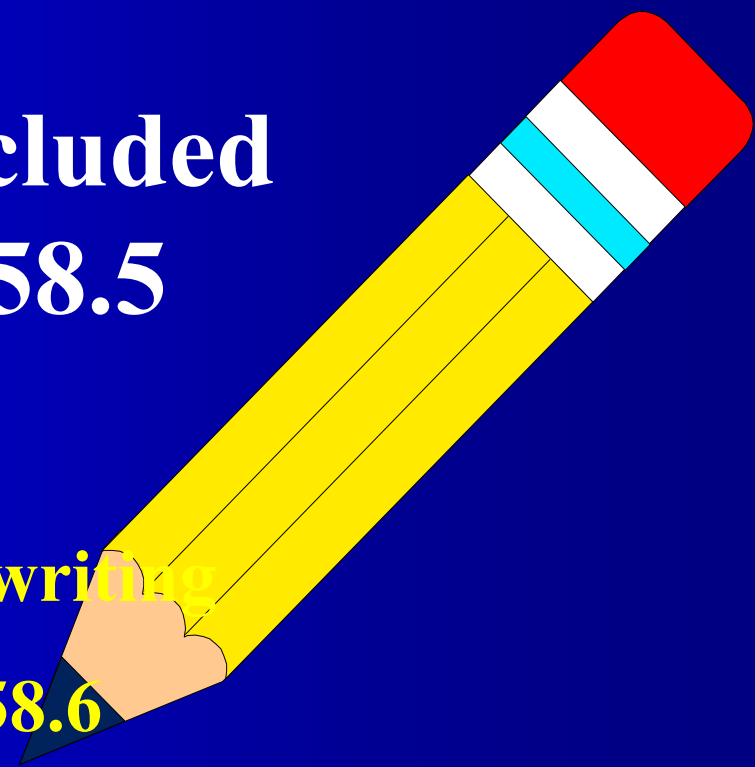


Categorically Excluded

Not subject to 58.5

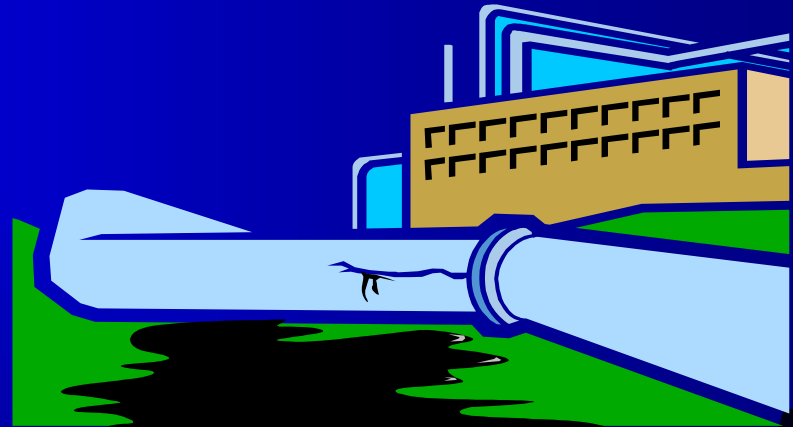
SAME AS EXEMPT:

- **Document determination in writing**
- **Document compliance with 58.6**
- **SIGN and DATE**
- **No RROF or further approval
from HUD required**



Categorically Excluded **subject** to 58.5 24 CFR Part 58.35(a)(1)

- Public Facilities:
 - Acquisition
 - Repair
 - Reconstruction
 - Improvement
- If Facility in place
- 20% or less change in size or capacity



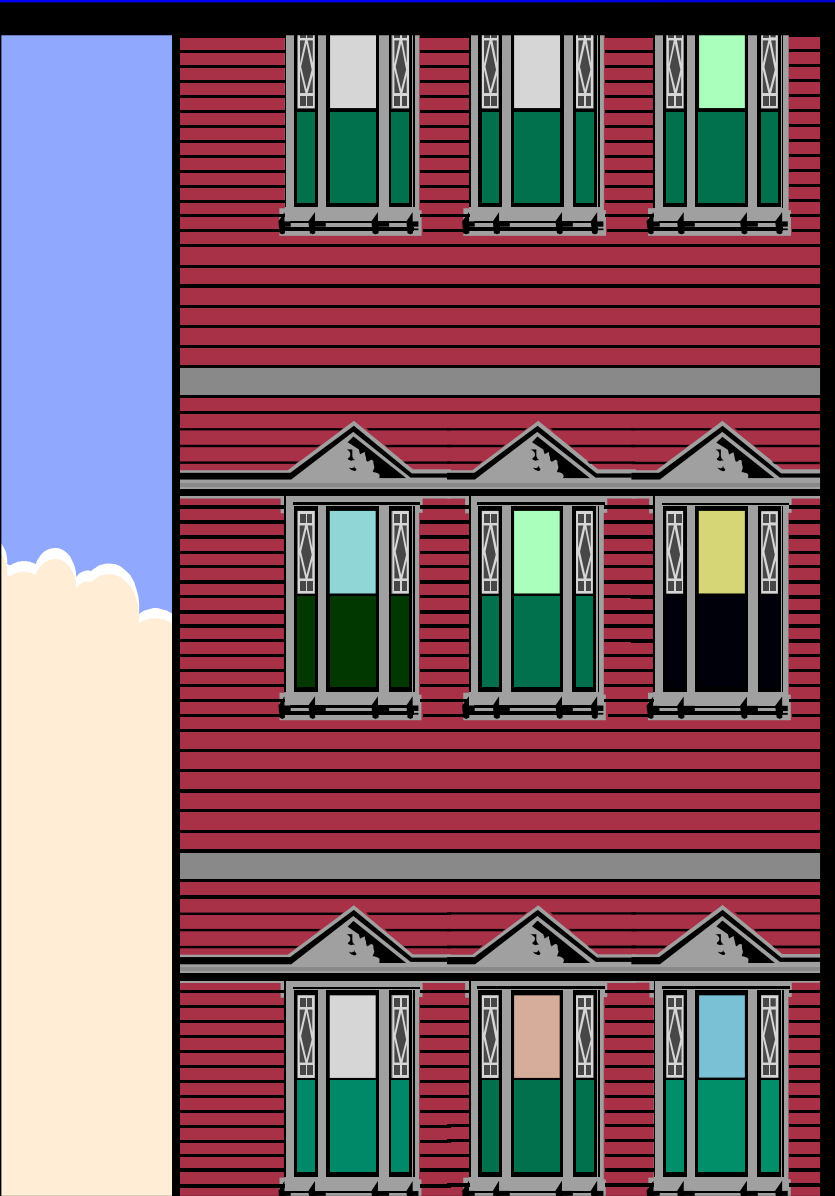
Categorically Excluded **subject** to 58.5 24 CFR Part 58.35(a)(2)

- Special Projects for removal of:
 - Material
 - Architectural Barriers
- That restrict mobility and accessibility



Categorically Excluded **subject** to 58.5

24 CFR Part 58.35(a)(3)(ii)



- Rehab of Multifamily residential when:
 - Density is not changed > 20%
 - Does not involve change in land use
 - Cost is < 75% cost of replacement



Categorically Excluded **subject** to 58.5

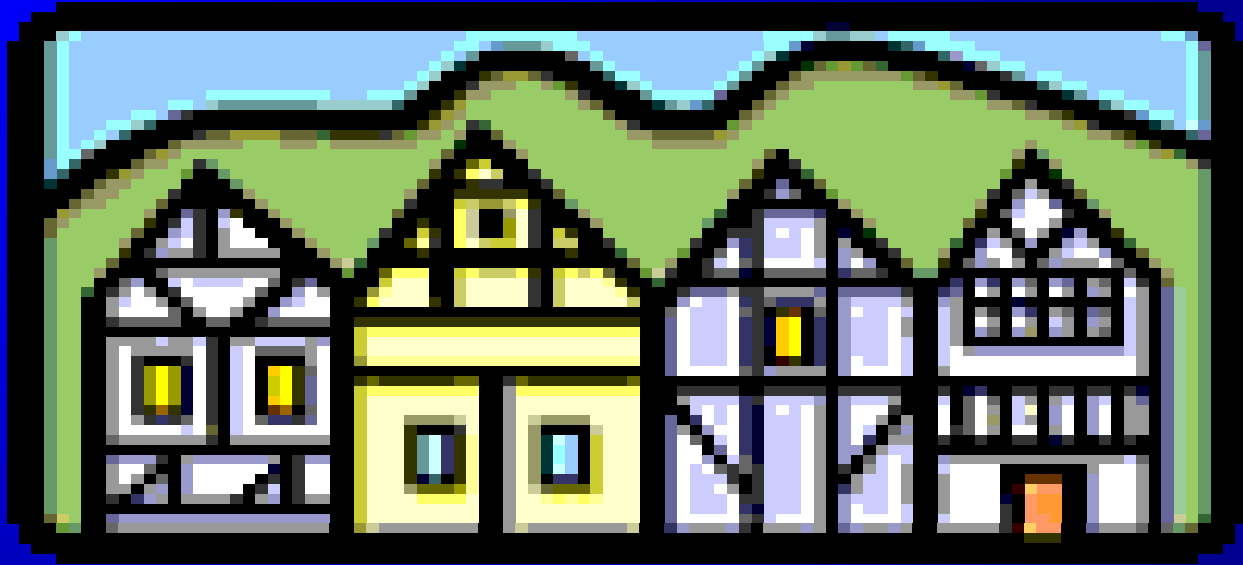
: 24 CFR Part 58.35(a)(3)(iii)

- Rehab of Non-residential when:
 - < 20% change in size and capacity
 - does not change land use



Categorically Excluded **subject** to 58.5

24 CFR Part 58.34(a)(4)



1. an individual action on a
1-to-4 family dwelling
2. a project of five or more units
 - more than 2,000 ft apart
 - developed on scattered sites



Categorically Excluded **subject** to 58.5 24 CFR Part 58.35(a)(5)

- Acquisition or Disposition
Existing Structure or Land IF
 - Structure will be used for the same use
 - Land will be used for the same use



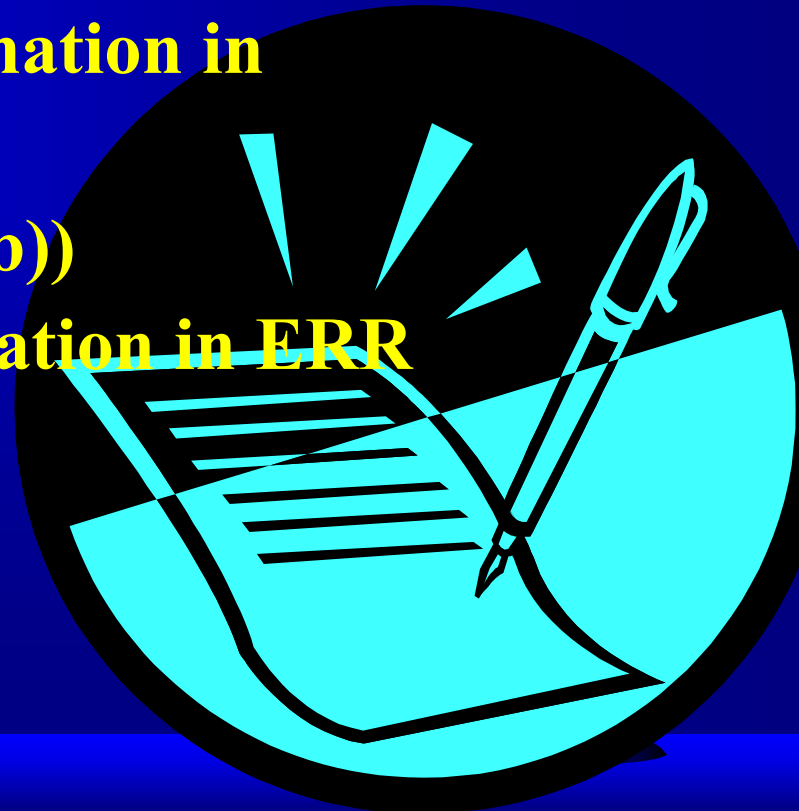
Categorically Excluded Clearance

- **Complete Statutory Checklist**
- **If Compliance **is** triggered:**
 - **Publish/Post NOI/RROF**
 - **Wait 7 /10days,**
 - **Send RROF to HUD**
 - **HUD Waits 15 days**



Categorically Excluded Clearance

- **Complete Statutory Checklist**
- **If Compliance is **NOT** triggered:**
 - **Project reverts to exempt**
 - **document determination in writing**
(58.34(a)(12) and (b))
 - **place all documentation in ERR**
(sign and date)



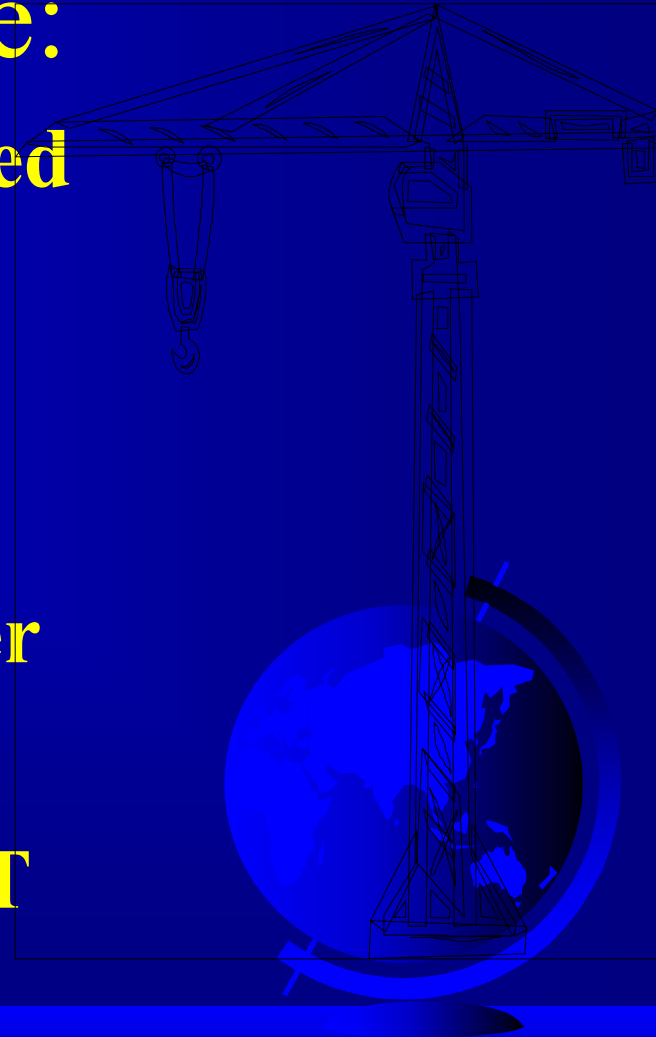
Environmental Assessment Activities

24 CFR 58.36

Project Activities that are:

- **Not Categorically Excluded**
See Conditions 58.35(a)
- **Change in Use**
- **Major Rehab**
- **New Const > 4 SF together**

Require a FULL ASSESSMENT



Environmental Assessment Clearance

- Complete Format II
- Make Finding
- Publish/Post Combined Notice
- Wait 15/18 days
- RROF and certifications to HUD)
- HUD waits 15 days



Public Notification

- **EA:**
Combined Notice (FONSI and NOI)
- **CE that “trigger” compliance:**
NOI/RROF only
- **CE No Compliance Triggered**
None
- **CE Not Subject to 58.5 :**
None
- **Exempt:**
None



Public Comment Periods

24 CFR part 58.45

- **NOI/FONSI - 15 days *from* Publication**

18 days *from* Posting

- **NOI - 7 days *from* Publication**

10 days *from* Posting

- **RE must *consider* comments prior to submitting its RROF to HUD**

July 28, 2004
Certifying
Official



Posting the FONSI/NOI

24 CFR Part 58.43(a)

If posted, it must be:

- **Displayed in a public building (FONSI 18 days/NOI/RROF 10 days)**
- **Mailed to HUD and others interested in project**



Time Delays for Exceptional Circumstances

24 CFR Part 58.46

**FONSI -Public comment - 30 days
when:**

- **Interest or controversy in project;**
- **Similar to project that requires EIS**
- **Project is without precedent**



Local Period - Objections

Basis for Objections:

- ANYTHING!!!



Local Period - Objections

Process:

- Contact HUD
- Consider Effects- (in writing)
- Consider responding to objector
- Mitigate, or
- Submit RROF without mitigation



Request for Release of Funds

Certification Indicates:

- ER Complete
- Notice Published
- Local Comment
- Period Complete
- CO Signs

Subject to False Claims Act

Objections to HUD 58.75

Basis for Objections:

- 7015.15 not signed by CO
- FONSI not written
- Omitted Steps (at subpart E)
- Committed funds prior to RROF
- Another Federal agency objects



RROF Submission Requirements

24 CFR Part 58.71

- **Signed 7015.15 from CO**
- **Copy of Public Notice**
- **Submit to local HUD**

